

REMARKS

Amendments:

There are no amendments to the claims or to any other part of the application.

Rejection of Claims Under 35 U.S.C. § 102:

Claims 1-7 and 9-15 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,873,308 to Taira. The Applicant respectfully contends that the Examiner may have misunderstood what is taught by Taira.

Accordingly, the Applicant has provided the following detailed analysis and discussion of the pertinent teachings of Taira, which analysis and discussion precede the Applicant's arguments against the rejections provided further below.

Taira states, as follows:

FIG. 1 is a cross sectional view showing the basic structure of a stamp face forming device of this embodiment. As illustrated in FIG. 1, according to a stamp face forming device (5) ... a light source (20) [is] mounted to a movable unit (30). (Taira, col. 4, lines 57-63.) The manuscript (2) ... [is] placed above the support glass (50) ... and the cover (54) is closed. (Taira, col. 5, lines 62-65.) As illustrated in FIG. 1 the movable unit (30) is moved along the face of the manuscript (2) in an arrow mark (A) direction (Taira, col. 6, lines 9-11.)

The Applicant contends that the above passages from Taira, along with the associated drawing figure(s), clearly teach that the light source (20) is fixed to the movable unit (30), and that the movable unit (30) is movable relative to both the support glass (50) and the cover (54). Taira also states, as follows:

FIG. 3 is a perspective view showing the stamp face forming device (5). As shown in FIG. 3, the stamp face forming device (5) includes a case (52) and a cover (54) supported by a hinge portion (99) openable with respect to the case (52). An opening (58) is formed in the case (52). The support glass (50) covering the opening (58) is installed on the upper face of the case (52). (Taira, col. 4, line 66 through col. 5, line 6.)

1 The Applicant contends that the above passages from Taira, along with the
2 associated drawing figure(s), clearly teach that the case (52) serves as an outer
3 enclosure for the device (5) and that the case also at least partially serves as a
4 support structure for some of the components of the device (5), including the cover
5 (54) and the support glass (50). Accordingly, it can be concluded with complete
6 certainty that the case (52) and the support glass (50) are stationary, while the light
7 source (20) and the movable unit (30) are movable relative to the case (52) and the
8 support glass (50). Taira also states, as follows:

9 *Fig. 4 is a perspective view showing the movable unit (30). According to the*
10 *movable unit (30), a linear light source (20), for example, a halogen lamp, is*
11 *mounted in a housing (32). (Taira, col. 5, lines 17-22.)*

12 *Two guide bars (34) extend at the lower portion of the movable unit (30) in a*
13 *direction orthogonal to the longitudinal direction of the linear light source (20). Also,*
14 *a rack (38) in parallel with the guide bars (34) is fixed to the housing (32) A*
15 *pinion (39) meshes with the rack (38). The pinion (39) is fixed to an output shaft of a*
16 *motor (44) installed in the case (52). (Taira, col. 5, lines 50-56.)*

17 The Applicant contends that the above passages from Taira, along with the
18 associated drawing figure(s), clearly teach that the light source (20) is mounted in
19 the housing (32), which are both fixed to the movable unit (30), and that the rack (38)
20 is in turn fixed to the housing (32), and that pinion (39) meshes with the rack (38),
21 and that the pinion (39) is fixed to the output shaft of the motor (44) and that the
22 motor (44) is supported on the case (52).

23 Accordingly, it can be concluded with complete certainty that the rack (38) is
24 fixed to the movable unit (30) and that the rack therefore moves with the movable
25 unit, and that the motor (44) is fixed to the case (52), and that the motor does not
move relative to the case. Therefore, the motor (44) does not move with the
movable unit (30). In other words, Taira teaches that the motor (44) is stationary and
does not move with the light source (20), nor is the motor supported on the light
source, or any portion of the light source.

With all due respect, the Applicant contends that the Examiner has
persistently ignored the limitation contained within the Applicant's independent

1 claims that the "light bar assembly" is "self-propelled" (claim 1), and/or comprises "a
2 drive motor" (claim 11), and/or comprises "a linear electric motor" (claim 16), and/or is
3 provided with "a motive source supported by the light bar assembly" (claim 23), and/or
4 includes "a motor in fixed association with the light source" (claim 29). In each instance
5 it is apparent that the light source in these independent claims includes the motive
6 means to move the light source, and that the motive means is not external to the light
7 source (as is the case in all of the references cited by the Examiner), but is provided as
8 part of the light source. The Examiner has consistently, and persistently, provided
9 references wherein the "light bar assembly" is driven by an external source, which is
10 entirely inconsistent with the Applicant's independent claims. The Applicant therefore
11 requests that the Examiner give due consideration to the arguments presented below, as
12 well as the arguments previously presented, that demonstrate beyond any doubt that the
13 cited references do not show a scanner wherein the light source includes the motive
14 means to drive the light bar. Any reference which shows a motive means to drive the
15 light bar, wherein the motive means is not part of the light bar, are completely irrelevant,
16 as they do not read on the current independent claims. The Examiner is therefore
17 respectfully requested to either provide a relevant reference (along the lines indicated
18 above and below), or to allow the claims. For the Examiner to continually cite new
19 references that teach no more than previously cited references serves no purpose other
20 than to delay issue of the claims, and incur additional costs upon the Applicant.

21 The applicant notes that claim 1 includes the following limitations:

22 a scanner body; and

23 a self-propelled light bar assembly supported within the scanner body.

24 As the Applicant has previously noted, a common definition of the term "self-
25 propelled" is: containing within itself the means for its own propulsion. (Merriam-
Webster Online Dictionary, <http://www.m-c.com/dictionary/self%20propelled>.) Thus, the
plain meaning of the term "self-propelled light bar assembly" is a light bar assembly
containing within itself the means for its own propulsion. This is consistent with the
description at paragraph at page 9, line 21 through page 10, line 5, which states (in
part):

1 The present invention provides for an optical scanning apparatus
2 having a self-propelled light bar assembly, as will be more full described
3 below. By "self propelled" I mean that the light bar assembly contains
4 the drive source (i.e., the motive source which drives the light bar
5 assembly relative to the scanner body). This is to be distinguished from
6 the prior art scanner apparatus, wherein the motive source for the light
7 bar is not supported by, or contained within, the light bar and it's
8 immediately supporting structure. (Emphasis added.)

9 In the Examiner's reasoning for the anticipation rejection of claim 1 provided
10 in paragraph 3 of the current office action, the Examiner states that, "Taira teaches
11 ... a self-propelled light bar assembly (moving unit 30 of Fig. 4, which includes light
12 source 20, to move parallel along the guide bar 34, simultaneously with motor 44...."

13 The Applicants contends that, in view of the Applicant's discussion above,
14 Taira clearly does not teach a self-propelled light bar assembly. In fact, Taira clearly
15 teaches a light bar assembly that is not self-propelled. That is, Taira teaches that
16 the motor (44) is stationary relative to the light bar. Therefore, the light bar assembly
17 taught by Taira is not self-propelled because the means (motor 44) for propelling the
18 light bar assembly is not contained within the light bar assembly, but is instead
19 supported on a stationary case 52, which is external to the light bar assembly.

20 Thus, Taira does not anticipate claim 1 because each and every element as
21 set forth in claim 1 is not found, either expressly or inherently described, in Taira.
22 Specifically, Taira does not disclose a self-propelled light bar assembly, as is
23 required by claim 1.

24 Accordingly, for at least the reasons set forth above, the Applicant requests
25 that the rejection of claim 1 under 35 U.S.C. 102 be withdrawn.

 The Applicant notes that claims 2-7 and 9-10 depend from claim 1.
 Therefore, each of claims 2-7 and 9-10 include all of the limitations of claim 1. For at
 least the reasons set forth above with respect to claim 1, the Applicant contends that
 Taira does not anticipate any of claims 2-7 and 9-10, and the Applicant therefore
 requests that the rejections of each of claims 2-7 and 9-10 under 35 U.S.C. 102
 be withdrawn.

 The Applicants notes that claim 11 includes the following limitations:

1 a scanner body;

2 a light bar assembly supported within the scanner body, the light bar assembly
3 comprising a drive motor and a light source, the light bar assembly configured to move
4 the drive motor and the light source together.

5 The Examiner states that, "Taira teaches ... a light bar assembly (30 of Fig. 3
6 and 4) supported within the scanner body (52 of Fig. 3), the light bar assembly (30 of
7 Fig. 3 and 4) comprising a drive motor (44 of Fig 4), and a light source (20 of Fig. 4),
8 the light bar assembly configured to move the drive motor and the light source (light
9 source unit 20 of Fig. 4 moves parallel along the shaft 34 of Fig. 4).

10 The Applicant contends that, in view of the Applicant's discussion above,
11 Taira clearly does not teach a light bar assembly supported within the scanner body,
12 the light bar assembly comprising a drive motor and a light source, the light bar
13 assembly configured to move the drive motor and the light source together.

14 As the Applicant has stated above, Taira clearly teaches that the motor (44) is
15 stationary relative to the light bar assembly, while the light bar assembly is movable
16 relative to the motor. That is, the light bar assembly taught by Taira does not
17 comprise the drive motor, nor is the light bar assembly of Taira configured to move
18 the drive motor and the light source together.

19 Therefore, Taira does not anticipate claim 11 because each and every
20 element as set forth in claim 11 is not found, either expressly or inherently described,
21 in Taira. Specifically, Taira does not teach or disclose a light bar assembly supported
22 within the scanner body, the light bar assembly comprising a drive motor and a light
23 source, the light bar assembly configured to move the drive motor and the light source
24 together, as is required by claim 11.

25 Accordingly, for at least the reasons set forth above, the Applicant requests
that the rejection of claim 11 under 35 U.S.C. 102 be withdrawn.

 The Applicant notes that claims 12-15 depend from claim 11. Therefore, each
of claims 12-15 include all of the limitations of claim 11. Accordingly, for at least the
reasons set forth above with respect to claim 11, the Applicant contends that Taira
does not anticipate any of claims 12-15, and the Applicant therefore requests that
the rejections of each of claims 12-15 under 35 U.S.C. 102 be withdrawn.

1 Rejection of Claims Under 35 U.S.C. § 103:

2 Claims 16-19, 22-25, and 29-32 have been rejected under 35 U.S.C. 103(a)
3 as being unpatentable over Taira in view of U.S. Patent No. 6,753,534 to Novak et
4 al. Claims 20 and 21 have been rejected under 35 U.S.C. 103(a) as being
5 unpatentable over Taira in view of Novak as applied to claims 16-19, 22-25, and 29-
32 above, and further in view of U.S. Patent No. 6,961,154 to Sugano.

6 With respect to claim 16, the Examiner contends in the current office action
7 that Taira teaches all the claimed elements except for a magnet-track portion in
8 proximity to the slider portion to thereby allow the light bar assembly to be driven
9 along the magnet-track portion, which the Examiner contends is taught by Novak.

10 The Examiner contends that one of ordinary skill in the art would have been
11 motivated to combine the teachings of Taira and Novak because, "(a) it would have
12 allowed a user to shield the magnetic fields created by the moving motors or other
13 moving magnetic permeable components from the electron beam lithography
14 system; and (b) it would have allowed users to avoid a shift of the electron beam by
15 magnetic fields and cause misalignment of the pattern of the article, as discussed by
16 Novak at col. 1, line 62 through col. 2, line 5."

17 The Applicants notes that these reasons are provided in the "background"
18 section of Novak in order to explain deficiencies in the prior art, which are addressed
19 by the teachings of Novak. The Applicants submits that these reasons provided by
20 Novak have absolutely no relation whatsoever to the teachings of Taira, nor to the
21 Applicant's invention. That is, neither Novak, nor the Applicant, mention, or depend
22 upon, anything relating to electron beams and/or shielding magnetic fields. Also,
23 neither Novak nor the Applicant seek to solve any type of problem or deficiency in
24 the prior art relating to shielding electromagnetic fields and/or to avoiding shift of
25 electron beams.

26 The Applicant submits that the reasons provided by the Examiner for
27 combining the teachings of Taira and Novak do not amount to the required
28 motivation to make the claimed combination, and are thus not sufficient to establish
29 a *prima facie* case of obviousness in accordance with the legal principles set forth
30 under 35 U.S.C. 103. Specifically, the Examiner "must identify specifically the
31 principle, known to one of ordinary skill, that suggests the claimed combination ...
32 [and] must explain the reasons one of ordinary skill in the art would have been

1 motivated to select the references and to combine them to render the claimed
2 invention obvious.” (*In re Rouffet*, 149 F.3d 1350, 47 USPQ 2d 1453 (Fed. Cir.
3 1998).) However, the Examiner has merely recited the motivation behind the
4 teachings of Novak itself, which have nothing to do with the problems addressed by
5 Taira, nor with the problems addressed by the applicant’s claims.

6 The applicant contends that a *prima facie* case of obviousness has therefore
7 not been established, and/or that the Examiner’s reasoning is deficient at least
8 because there is not sufficient explanation given by the Examiner as to why one of
9 ordinary skill in the art would have been motivated to select the teachings of Taira
10 and Novak and to combine them to render the claimed invention obvious. The
11 applicant contends that claim 16 is therefore nonobvious. Accordingly, the applicant
12 requests that the obviousness rejection of claim 16 be withdrawn and that claim 16
13 be allowed.

14 The applicant notes that each of claims 17-22 depends from claim 16.
15 Therefore, each of claims 17-22 is nonobvious for at least the reasons that claim 16
16 is nonobvious as set forth herein above. Accordingly, the applicant requests that the
17 obviousness rejections of each of claims 17-22 be withdrawn.

18 With respect to claims 23 and 29, the Examiner contends that Taira teaches
19 all the elements of each of those claims except for using a stationary track within the
20 scanner body, but that Novak teaches using a stationary track within the scanner
21 body. Specifically, the Examiner contends that Taira teaches “providing a motive
22 source (motor 44 of Fig. 4) supported by the light bar assembly (30 of Fig. 4); and
23 moving the light bar assembly using the motive source.”

24 However, as is explained in detail herein above with respect to claim 1, Taira
25 in fact teaches that the motor (44) is not supported on the light bar assembly (30),
but is instead fixedly supported on the stationary case (52). The motor (44)
according to Taira is therefore stationary and does not move with the light bar
assembly (30). Thus, as is explained above with respect to claim 1, Taira does not
teach what the Examiner contends is taught by Taira. The applicant contends that
the prior art references therefore do not teach all the limitations of either claim 23 or
claim 29.

Moreover, in regard to claims 23 and 29, the motivation to combine the
references, as provided by the Examiner, is essentially the same as that provided by

1 the Examiner in rejecting claim 16. As discussed herein above with respect to claim
2 16, the motivation to combine the references as provided by the Examiner is not
3 sufficient and/or is based upon defective reasoning. That is, the Examiner's
4 explanation of the motivation to combine the reference teachings is defective and/or
5 insufficient in view of the accepted legal standards.

6 The Applicant therefore contends that a *prima facie* case of obviousness has
7 not been established for either claim 23 or claim 29 at least because: 1) the prior art
8 references when combined do not teach all the claim limitations; and 2) there is no
9 motivation to combine the reference teachings. Specifically, Taira does not teach
10 that the motor (44) is supported by the light bar assembly (30) as is relied upon by
11 the Examiner in making the obviousness rejection of claims 23 and 29, and the
12 Examiner has not reasonably explained why one of skill in the art would have been
13 motivated to select and combine the teachings of Taira and Novak. The applicant
14 therefore requests that the obviousness rejections of claims 23 and 29 be withdrawn
15 and that claims 23 and 29 be allowed.

16 The applicant notes that claims 24 and 25 depend from claim 23, and that
17 claims 30, 31, and 32 depend from claim 29. Therefore, each of claims 24, 25, 30,
18 31 and 32 are nonobvious for at least the reasons that claims 23 and 29 are
19 nonobvious as set forth above. The applicant requests that the rejections of each of
20 claims 24, 25, 30, 31 and 32 be withdrawn and that those claims be allowed.

21 In regard to claims 20 and 21, those claims depend from claim 16. Therefore,
22 each of claims 20 and 21 is nonobvious at least for the reasons that claim 16 is
23 nonobvious, as set forth herein above. Moreover, in regard to claim 21, that claim
24 contains the limitations, "a linear encoding strip... and a sensor ...configured to
25 detect the linear encoding strip."

26 The Applicant notes that the Examiner does not allege that any of the cited
27 prior art references teach these limitations. Specifically, the Examiner alleges no
28 more than that Sugano teaches "a position detecting system." That is, the Examiner
29 does not allege that Sugano teaches "a linear encoding strip... and a sensor
30 ...configured to detect the linear encoding strip" as is required by claim 21. Since
31 the Examiner has not alleged that the prior art references teach all of the claim
32 limitations, it follows that the Examiner has not established a proper *prima facie* case
33 of obviousness.

1 Even if the Examiner had alleged that Sugano teaches a linear encoding
2 strip... and a sensor ...configured to detect the linear encoding strip as contained in
3 claim 21, Sugano in fact does not teach or disclose those limitations. At most,
4 Sugano discloses a sensor (18) that is nothing more than a proximity sensor
5 configured to detect a predetermined position of the light source mechanism (8) to
6 control activation of the reading lamp (12). (Sugano, col. 7, line 45 through col. 8,
7 line 17.) This teaching of Sugano is in no way equivalent to a linear encoding strip...
8 and a sensor ...configured to detect the linear encoding strip as required by
9 claim 21.

10 Thus, notwithstanding the arguments herein above with regard to claim 20,
11 the Applicant contends that claim 21 is nonobvious for the additional reason that the
12 cited prior art references when combined do not teach all the claim limitations, as is
13 required for a *prima facie* case of obviousness.

14 The Applicant requests that the rejections of each of claims 20 and 21 be
15 withdrawn and that those claims be allowed.

16 SUMMARY

17 The Applicant believes that this response/amendment constitutes a full and
18 complete reply to the office action mailed 10/18/2006. The Applicant further
19 believes, for at least the reasons presented herein above, that claims 1-7, 9-25 and
20 29-32 are now in allowable form and that the application is now in condition for
21 allowance. Accordingly, the Applicant respectfully requests timely allowance of
22 claims 1-7, 9-25 and 29-32.

23 (Continued on next page.)
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1 The Examiner is respectfully requested to contact the below-signed attorney if
2 the Examiner believes this will facilitate prosecution toward allowance of the claims.

3
4 Respectfully submitted,

5 Curtis Gregory KELSAY, Applicant

6 Date: December 26, 2006

7 By: 

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